

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:16-CV-285**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

RICHARD W. DAVIS, JR.,

Defendant,

and

DCG REAL ASSETS, LLC, et al.,

Relief Defendants.

**ORDER APPROVING FINAL
APPLICATION FOR COMPENSATION
TO MIDDLESWARTH BOWERS &
COMPANY, LLC, ACCOUNTANTS
FOR THE RECEIVER**

This matter came before the Court upon the *Final Application for Compensation to Middleswarth Bowers & Company, LLC, Accountants for the Receiver* filed on December 11, 2019 (Doc. No. 284) (“Bowers Final Application”) by A. Cotten Wright, as the duly-appointed receiver in the above-captioned action (the “Receiver”), through counsel. The Court finds and concludes as follows:

Notice of the Bowers Final Application was served upon the parties hereto as required by law. No party in interest filed a timely objection to the Bowers Final Application.

It appears that the Bowers Final Application conforms to the Billing Instructions for Receivers in Civil Actions Commenced by the U.S. Securities and Exchange Commission.

Middleswarth Bowers & Company, LLC has rendered valuable services to the Receiver during this civil proceeding, for which it has received no compensation and the reasonable value of services as yet uncompensated is at least \$2,911.00.

Middleswarth Bowers & Company, LLC is also entitled to reimbursement of actual and necessary expenses incurred in the administration of the receivership in the amount of \$40.00.

The Orders appointing the Receiver limit the compensation and expense reimbursement available to the Receiver’s professionals to thirty percent (30%) of any net recovery. The Receiver has completed recovery of any available assets in this case. The total of Bowers Final Application together with pending requests and prior administrative expenses falls below the limit on

professional fees set forth in the Orders appointing the Receiver. Therefore, the Court approves the Final Application for Compensation.

IT IS, THEREFORE, ORDERED that

1. Bowers Final Application is **APPROVED**;
2. Middleswarth Bowers & Company, LLC is **AWARDED** professional fees in the amount of \$2,911.00 and reimbursement of expenses in the amount of \$40.00; and
3. The Receiver is **AUTHORIZED** to compensate Grier Wright Martinez, PA for any approved but unpaid fees and expenses in an amount not in excess of 30% of the total net amount recovered by the Receiver over the course of this case.

SO ORDERED.

Signed: January 2, 2020

A handwritten signature in black ink, appearing to read "Graham C. Mullen", is written over a horizontal line.

Graham C. Mullen
United States District Judge

